



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRAIG HERNANDEZ,

Plaintiff

- against -

07 CV 11026 (RPP)

ORDER

CITY OF YONKERS

Defendant.

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ROBERT P. PATTERSON, JR., U.S.D.J.

By letter of today's date, Plaintiff Craig Hernandez requested additional discovery from Defendant the City of Yonkers. Plaintiff requests that Defendant provide to him on or before December 30, 2009 "[a]ll EMW hirings, firings, transfers and leaves taken by EMW employees for the City of Yonkers from April, 2003 to present regarding the above-referenced matter." Such statistics would only be relevant to the issues in this case to the extent they show that "light-duty" jobs were available on or about the time Plaintiff allegedly requested such an assignment and that the transfer of Plaintiff to such a "light-duty" job would have been reasonable for the City of Yonkers.

Defendant shall produce to Plaintiff by January 4, 2010 a record of all EMW positions that became open during the time period April 2003 to April 2004 and a record of all transfers from Plaintiff's former position to other positions during the time period April 2003 to April 2004. In the alternative, Defendant may stipulate to the fact that other jobs were available during the time period April 2003 to April 2004 and to the fact that during the time period April 2003 to April 2004, one or more employees transferred from Plaintiff's former position to another position.

IT IS SO ORDERED.

Dated: New York, New York
December 28, 2009


Robert P. Patterson, Jr.

U.S.D.J.

Copies of this order were faxed to:

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